

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

IN RE:

MIDAMERICAN ENERGY COMPANY,
BLACK HILLS/IOWAGAS UTILITY
COMPANY, LLC d/b/a BLACK HILLS
ENERGY, IOWA ASSOCIATION OF
ELECTRIC COOPERATIVES,
INTERSTATE POWER AND LIGHT
COMPANY, and IOWA ASSOCIATION OF
MUNICIPAL UTILITIES,

Petitioners,

v.

IOWA UTILITIES BOARD, A DIVISION
OF THE DEPARTMENT OF COMMERCE,
STATE OF IOWA,

Respondent.

Case No. CVCV064145

STATEMENT IN LIEU OF BRIEF

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COMES NOW, the Office of Consumer Advocate (OCA), a Division of the Iowa Department of Justice, and submits the following statement in lieu of a brief as allowed by the Court in its “Order Establishing Schedule for Conduct of Proceedings Pursuant to I.R.Civ.P. 1.1603(2).”

1. On June 2, 2022, MidAmerican Energy Company (MidAmerican), Interstate Power and Light Company (IPL), Black Hills/Iowa Gas Utility Co., LLC d/b/a Black Hills Energy (Black Hills), the Iowa Association of Municipal Utilities (IAMU), and the Iowa Association of Electric Cooperatives (IAEC) (Collectively, “Objectors”) filed an objection to an assessment issued by the Iowa Utilities Board (Board) on May 2, 2022, pursuant to Iowa Code § 476.10A.

2. Iowa Code § 476.10A provides a statutory assessment mechanism for funding the Iowa Energy Center (IEC) and the Center for Global and Regional Environmental Research Center (CGRER). Pursuant to Iowa Code § 476.10A(a)(1), the Board is required to direct “all electric and gas utilities to remit to the treasurer of state one-tenth of one percent of the total gross operating revenues during the last calendar year derived from their intrastate public utility operations.” These remittances are to be collected for the fiscal year beginning July 1, 2018 (FY 2019), the fiscal year beginning July 1, 2019 (FY 2020), the fiscal year beginning July 1, 2020 (FY 2021), and the fiscal year beginning July 1, 2021 (FY 2022).¹ This Code section and the assessments are to end July 1, 2022.²

3. OCA agrees with the Objectors that an invoice issued May 2, 2022, for an assessment attributable to FY 2022 (or FY 2023) and based on 2021 revenues is not allowed by statute. Rather, according to the statute, the last invoice for this assessment should have been issued in 2021, attributed to FY 2022 (which was the fiscal year beginning July 1, 2021), and based on gross operating revenues during 2020.

4. OCA notes that the Objectors who are rate-regulated and have energy efficiency plans (EEPs) are allowed to recover assessments to the IEC and the CGRER as part of their EEP budgets.³ These Objectors did not include assessments beyond 2021 in their current 2018-2023 EEP budgets, which were approved by the Board in 2019. Any assessments invoiced beyond 2021 will result in corresponding increases in the EEP budgets and consequently, negatively impact Iowa customers.

¹ Iowa Code § 476.10A(1)(c)(1)(a)-(d).

² Iowa Code § 476.10A(4)

³ Iowa Code §§ 476.10A(1)(b), 476.6(15)(c), and 199 IAC 35.4(f).

WHEREFORE, OCA supports the Petitioners' objection to the May 2, 2022, assessment issued by the Board pursuant to Iowa Code § 476.10A.

Respectfully submitted,

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Consumer Advocate

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CERTIFICATE OF SERVICE

I hereby certify that on November 10, 2022 the foregoing document was filed with the Clerk of Court using the EDMS system which will send electronic notice of the filing to the parties of record.

/s/ Jennifer Johnson
Jennifer Johnson